

Remarks/Arguments

Claims 1-9, 12 and 14-17 are pending. Claims 1-9, 12 and 14-16 have been amended and claim 17 has been added. Applicants reserve the right to present any withdrawn or canceled subject matter in one or more continuation or divisional applications.

The Examiner has objected to claims 4-9 and 12-16 for improper multiple dependency and claim 10 for multiple periods. Claims 4-9, 12 and 14-16 have been amended to overcome the objections and claims 10, 11 and 13 have been canceled. The Examiner also rejected claim 2 for reciting the broad range of C₁ to C₅ alkyl and limiting to a specific embodiment, CH₃. The claim has been amended and a new dependent claim 17 has been added.

The Examiner has required that the compounds of formulae I-V be resubmitted. Amendments to the specification are enclosed.

The Examiner has rejected claims 1-3 and 12-16 under 35 U.S.C §112, second paragraph, as indefinite because in formula I, either H or OH can be in either the 2' or 3' position, and this is inconsistent with a dideoxy compound. Applicants note that the definition for R₂ and R₃ notes that the variables can "independently of each other" be H and that the claim therefore covers either the process in which the compound is a 2' or 3' deoxy *or* a dideoxy compound.

The Examiner rejected claims 12-16 under 35 U.S.C. §112 and 35 U.S.C. §101, because the use does not specify the process that it would be used in. Claim 13 has been canceled and claims 12 and 14-16 amended to recite a method of treatment of a viral infection by administering a compound of claim 8 or 9, or β-L-5-fluoro ddC specifically, with dependent claims to treatment of HIV.

The Examiner rejected claim 10 under 35 U.S.C. §102(b) over EP 0 352 248. The reference describes 2',3'-dideoxy-β-L-pentofuranonucleoside compounds. Applicants have canceled claim 10 and dependent claim 11 solely in the interest of promoting prosecution.

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The Examiner also rejected claims 1, 10 and 11 under 35 U.S.C. §102(b) over Farina, EP 0 285 884. As noted, claims 10 and 11 are canceled solely in the interest of promoting prosecution. The Examiner alleges that Farina discloses the process of preparing the described compounds through base activation of a protected furanose containing a leaving group. However, Applicants note that claim 1 requires the specific steps of converting a compound of Formula II to a compound of Formula III. The reference describes only the process of formation of 2',3'-dideoxy nucleosides using a D-gamma-carboxy-gamma-butyrolactone as a starting material. The process recited in claim 1 is not described in the reference.

Applicants enclose a petition for a three month extension of time to respond and appropriate fees. Should the Examiner determine that additional fees are due, the Commissioner is hereby authorized to charge any additional fees to Deposit Account 11-0980.

Respectfully submitted,

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